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EXAMINER

STEELMAN, MARY J

ART UNIT	PAPER NUMBER
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2122

DATE MAILED: 09/04/2003

15

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/548,203

Applicant(s)

OSBORNE ET AL.

Examiner

Mary J. Steelman

Art Unit

2122

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13,15-18,20-32,34 and 35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13,15-18,20-32,34 and 35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 January 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: *See Continuation Sheet*.

Continuation of Attachment(s) 6). Other: Copy of Examiner approved drawings.

Art Unit: 2122

DETAILED ACTION

1. This action is in response to RCE and Amendment B filed 3 July 2003.
2. As per Applicant request, claims 14, 19, 33, and 36 are cancelled. Claims 1-13, 15-18, 20-32, 34, and 35 are pending.
3. Applicant has sworn behind the filing date of the Underwood reference, U.S. Patent 6,523,027.

Specification

4. The title of the invention has been amended. Examiner's objection to the title is hereby withdrawn.

As per Applicant's request, the Specification has been amended. Amendment B, pages 105-113, contains many claim numbering errors, "dependent on claim" numbers, and alpha sub-sections. For examining purposes, Examiner will use claims as presented in Amendment B, pages 47-54. A marked up copy of the claims is required.

All related applications and patents must be cross-referenced in the Specification.

Claim Rejections - 35 USC § 112

5. In view of the cancellation of claims 14, 19, 33, and 36, the 35 USC 112 rejections are hereby withdrawn.

Double Patenting

6. In reference to co-pending application 09 / 482178, it is noted that Applicant agreed in Amendment A, filed 01/02/2003, to file a terminal disclaimer, upon an indication of allowance.

Claim Rejections - 35 USC § 103

Art Unit: 2122

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 1-13, 15-18, 20-23, 27, 31, and 34** are rejected under 35 U.S.C. 103(a) as being anticipated by U.S. Patent 6,446,120 to Dantressangle, in view of U.S. Patent 6,510,402 to Logan et al.

Dantressangle disclosed a client computer that acts as one or more virtual users executing a test script to stress a server. Dantressangle disclosed:

Per claim 1:

-coordination software. (Dantressangle: Fig 5 & col. 7, lines 3-6, "...steps performed by the stresser main process 400 of the configurable stresser 200 to stress a Web server 104...");

-at least one code generator, receiving as an input commands from the coordination software and having as an output client test code. (Dantressangle: Fig. 4 & col. 5, lines 66-67, "Initially, a user generates a test guide file 402 that contains the instructions for testing the Web server 104.");

-at least one test engine, receiving as an input commands from the coordination software, the test engine comprising a computer server having at least one software implementation of a processor executing at least one instance of the client test code. (Dantressangle: Col. 5, lines 26-35, "The configurable stresser 200 measures the accessibility and the responsiveness of a Web server

Art Unit: 2122

while heavily loaded...the configurable stresser 200 provides a JAVA Applet GUI. This will allow a user to launch a very long stress test from a Web browser...”);

-at least one data log having computerized memory, the memory holding timing data created by the instances of the client test code. (Dantressangle: Col. 6, lines 22-25, “Each virtual Web browser 404 executes the structure representing the test guide file 402 and generates a result file 406 (log)”);

Dantressangle did not provide extensive details concerning the testing of application components on the server. However, Logan did disclose more details regarding component testing in an integrated test environment network (Col. 2, lines 20-21). Specifically, (col. 2, lines 42-47) “The testing tools include facilities for: developing and executing suites of related test cases, developing and executing testing checklists, documenting and tracking software defects discovered in the course of testing, help files and other documentation defining the testing standards, methods and procedures and centralized reporting facilities.” At col. 7, lines 2-7, Logan disclosed regression testing and at col. 8, lines 14-29, Logan disclosed “three major types of tests: background automated tests, interactive automated tests, and automatic checklist processing to support manual testing activities...” Logan disclosed (col. 7, lines 27-29), “When testing components, e.g., JAVABEANS, each executable class within the component must be tested.” Logan disclosed:

-at least one data analyzer software, operatively connected to the data log, having an output that represents performance of the software component of the application under test in response to load. (Logan: Col. 8, lines 36-36, “...generates the test results...passes to the server ...to be posted...” Logan disclosed testing software components (Abstract, line 1.))

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time of the invention, to have modified stress testing software on a server, as disclosed by Dantressangle, by specifically including component testing, as disclosed by Logan, because load, stress and performance testing of a server, including the components of an application located on the server, ensures that the system response time and communication links are adequate and that each component of an application is behaving as expected.

Per claim 2:

-at least one software implementation of a processor executes multiple threads, each thread comprising an instance of the client test code. (Dantressangle: Col. 6, lines 1-4, "When launched a stresser main process of the configurable stresser will generate a requested number of virtual Web browsers (i.e. "child processes")".)

Per claim 3:

-at least one software implementation of a processor is synchronized to start execution of an instance of the client test code with another of said at least one software implementation of a processor about to start execution an instance of the client test code. (Dantressangle: Col. 6, lines 4-14, "A user indicates the number of virtual Web browsers to be generated when launching the configurable stresser...The configurable stresser can simulate many virtual Web browsers, each of which connects and sends HTTP requests to the same Web Server...many connections and HTTP requests at the same time.")

Per claim 4:

-synchronization of at least one software implementation of a processor to another of said at least one software implementation of a processor is performed independently of the time set on each

Art Unit: 2122

system. (Dantressangle: Col. 6, lines 31-34, “The Web server can receive the same or different commands from the different virtual Web browsers simultaneously.”)

Per claim 5:

-at least one software implementation of a processor is set to start execution of the client test code a predetermined time after another of said at least one software implementation of a processor is set to start execution of the test client code. (Dantressangle: Col. 6, lines 31-34, “The Web server can receive the same or different commands from the different virtual Web browsers simultaneously.”)

Per claim 6:

-at least one software implementation of a processor is set to start execution of the client test code independent of another of said at least one software implementation of a processor set to start execution of the client test code. (Dantressangle: Col. 6, lines 31-34, “The Web server can receive the same or different commands from the different virtual Web browsers simultaneously.”)

Per claim 7:

This is a computer program product version of the limitations as addressed in claim 1.

Therefore, claim 7 is rejected under the same rational as claim 1.

Per claim 8:

Claim 8 contains limitations as recited in claim 2. Therefore, claim 8 is rejected under the same rational as claim 2.

Per claim 9:

Art Unit: 2122

Claim 9 contains limitations as recited in claim 3. Therefore, claim 9 is rejected under the same rational as claim 3.

Per claim 10:

Claim 10 contains limitations as recited in claim 4. Therefore, claim 10 is rejected under the same rational as claim 4.

Per claim 11:

Claim 11 contains limitations as recited in claim 5. Therefore, claim 11 is rejected under the same rational as claim 5.

Per claim 12:

Claim 12 contains limitations as recited in claim 6. Therefore, claim 12 is rejected under the same rational as claim 6.

Per claim 13:

Dantressangle disclosed:

-providing test code to exercise said software component. (Dantressangle: Col. 5, lines 65-66, "Initially, a user generates a test guide file that contains the instructions for testing the Web server." Also fig. 7, and col. 7, lines 32-34, "A test guide file is a text file, with a very simple syntax, that centralized all the information necessary for the testing/stressing process.");

-creating a plurality of copies of the test code. (Dantressangle: Col. 3, lines 23-26, "The configurable stresser launches virtual Web browsers, each of which simulates a typical Web browser. Each Web browser performs tests on the Web server.");

Art Unit: 2122

-simultaneously executing the plurality of copies of the test code. (Dantressangle: Col. 4, lines 35-38, "The configurable stresser is useful for testing the synchronization of the Web server threads by generating simultaneous HTTP requests via the virtual Web browsers.");

-providing a folder for each component method of the software component being exercised.

(Dantressangle: Fig. 5 & col. 7, lines 11-17, "...the stresser main process receives result files for each virtual Web browser...the stresser main process prepares a consolidated report...");

-recording times for each component method of the software component being exercised.

(Dantressangle: Col. 8, lines 41-60, "The timer is used to test the timing of the computer programs...as well as the connections...The stresser main process will parse the HTML, find the timers, and store the differences...");

-analyzing the recorded times to present information on performance of each method of each component method of the software component being exercised. (Dantressangle: Col. 6, lines 42-52, "...the stresser main process parses all the result files and generates multiple reports stored in one or more report files...");

Dantressangle did not provide extensive details concerning the testing of application components on the server. However, Logan did disclose more specific details regarding component testing in an integrated test environment network (Col. 2, lines 20-21). Specifically, (col. 2, lines 42-47) "The testing tools include facilities for: developing and executing suites of related test cases, developing and executing testing checklists, documenting and tracking software defects discovered in the course of testing, help files and other documentation defining the testing standards, methods and procedures and centralized reporting facilities." At col. 7, lines 2-7, Logan disclosed regression testing and at col. 8, lines 14-29, Logan disclosed "three

Art Unit: 2122

major types of tests: background automated tests, interactive automated tests, and automatic checklist processing to support manual testing activities...” Logan disclosed (col. 7, lines 27-29), “When testing components, e.g., JAVABEANS, each executable class within the component must be tested.”

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time of the invention, to have modified Dantressangle’s method of providing test code to exercise, creating a plurality of copies of the test code, simultaneously executing the plurality of test copies, providing a folder and recording and analyzing execution times by specifically including component testing, as disclosed by Logan, because using code to load, stress and performance test a server, including the components of an application located on the server, ensures that the system response time and communication links are adequate and that each component of an application is behaving as expected.

Per claim 15:

-said step of recording times further comprises recording said times for each component method in a respective folder for said component method. (Dantressangle: Fig. 5 & col. 7, lines 11-17, “...the stresser main process receives result files from each virtual Web browser...the stresser main process prepares a consolidated report...”).

Per claim 16:

Each folder is used to provide calculations for said component method from said times recorded in the folder. (Dantressangle: Fig. 5 & col. 7, lines 11-17, “...the stresser main process receives result files for each virtual Web browser...the stresser main process prepares a consolidated report...” Also, col. 4, lines 51-54, “...a user provides a test guide file containing instructions for

Art Unit: 2122

testing the computer programs on the Web server and provides reference data indicating the results for successful execution of the test.”)

Per claim 17:

-said calculations are selected from the group consisting of the average response time of the items within the folder, and the total response time of the items within the folder.

(Dantressangle: The user specifies the test criteria. Col. 11, lines 7-8, “The configurable stresser provides statistics for each process.”)

Per claim 18:

This is a computer program product version of the limitations as addressed in claim 13.

Therefore, claim 18 is rejected under the same rational as claim 13.

Per claim 20:

Claim 20 contains limitations as recited in claim 15. Therefore, claim 20 is rejected under the same rational as claim 15.

Per claim 21:

Claim 21 contains limitations as recited in claim 16. Therefore, claim 21 is rejected under the same rational as claim 16.

Per claim 22:

Claim 22 contains limitations as recited in claim 17. Therefore, claim 22 is rejected under the same rational as claim 17.

Per claim 23:

Dantressangle disclosed:

Art Unit: 2122

-coordination software. (Dantressangle: Fig 5 & col. 7, lines 3-6, "...steps performed by the stresser main process 400 of the configurable stresser 200 to stress a Web server 104...");

-at least one code generator, receiving as an input commands from the coordination software and having as an output client test code, said code generator providing a template for a datatable, said datatable used to provide information for exercising the software component of the application under test. (Dantressangle: Fig. 4 & col. 5, lines 66-67, "Initially, a user generates a test guide file 402 that contains the instructions for testing the Web server 104." Also col. 3, lines 35-45, "The data source interface may be connected to a Database Management System (DBMS), which supports access to a data source by executing RDBMS software...The data source interface translates the data request received from a configurable stresser into one or more statements (e.g., a macro file...) that can be processed to retrieve data from data sources.");

-at least one test engine, receiving as an input commands from the coordination software, the test engine comprising a computer server having a plurality of threads thereon, each thread executing an instance of the client test code. (Dantressangle: Col. 4, lines 35-38 "The configurable stresser is useful for testing the synchronization of the Web server threads by generating simultaneous HTTP requests via the virtual Web browsers.");

-at least one data log having computerized memory, the memory holding timing data created by the instances of the client test code in the plurality of threads. (Dantressangle: Col. 6, lines 22-25, "Each virtual Web browser 404 executes the structure representing the test guide file 402 and generates a result file 406 (log).").

Dantressangle did not provide extensive details concerning the testing of application components on the server. However, Logan did disclose more specific details

Art Unit: 2122

regarding component testing in an integrated test environment network (Col. 2, lines 20-21).

Specifically, (col. 2, lines 42-47) “The testing tools include facilities for: developing and executing suites of related test cases, developing and executing testing checklists, documenting and tracking software defects discovered in the course of testing, help files and other documentation defining the testing standards, methods and procedures and centralized reporting facilities.” At col. 7, lines 2-7, Logan disclosed regression testing and at col. 8, lines 14-29, Logan disclosed “three major types of tests: background automated tests, interactive automated tests, and automatic checklist processing to support manual testing activities...” Logan disclosed (col. 7, lines 27-29), “When testing components, e.g., JAVABEANS, each executable class within the component must be tested.”

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time of the invention, to have modified Dantressangle’s system for determining performance of a test in response to a load, by specifically including component testing, as disclosed by Logan, because load, stress and performance testing of a server, including the components of an application located on the server, ensures that the system response time and communication links are adequate and that each component of an application is behaving as expected.

Per claim 27:

This is a computer program product version of the limitations as addressed in claim 23.

Therefore, claim 27 is rejected under the same rational as claim 23.

Per claim 31:

Dantressangle disclosed:

Art Unit: 2122

-providing test code to exercise the software component, said software component including at least one component method. (Dantressangle: Fig. 4 & col. 5, lines 66-67, "Initially, a user generates a test guide file 402 that contains the instructions for testing the Web server 104.");

-providing a class file for each component method of said software component directly to each user. (Dantressangle: Col. 1, lines 61 -65, "Compared test results are received from each virtual browser indicating a response to each transmitted command received from the server computer. The received test results are consolidated into a report of compared test results.");

-creating a first plurality of copies of the test code. (Dantressangle: Col. 2, lines 3-7, "...enable users to create tests for their particular Web server environments....combine regression and performance testing...");

-simultaneously executing the first plurality of copies of test code while recording times between events in each of the first plurality of copies of test code. (Dantressangle: Col. 6, lines 31-34, "The Web server can receive the same or different commands from the different virtual Web browsers simultaneously. This tests the functionality and efficiency of the Web server.");

-creating a second plurality of copies of test code. (Dantressangle: Col. 6, lines 4-14, "...a stresser main process of the configurable stresser will generate a requested number of virtual Web browsers...A user indicates the number of virtual Web browsers to be generated...By generating the multiple virtual Web browsers, the configurable stresser can "stress" any Web server with many connections and HTTP requests at the same time.");

-simultaneously executing the second plurality of copies of test code while recording times between events in each of the second plurality of copies of test code. (Dantressangle: Col. 8,

Art Unit: 2122

lines 41-61, "...The timer is used to test the timing of the computer programs, or any other program on the Web server...");

-repeating a predetermined number of times the steps of creating plural copies of the test code and simultaneously executing the plural copies while recording event times. (Dantressangle: Col. 7, line 64 – col. 8, line 3, "The sequential command...executed sequentially rather than randomly at each virtual Web browser...");

-analyzing the recorded times to present information on the performance of the software component of the application under test as a function of load. (Dantressangle: Col 8, lines 57 – 60, "...the configurable stresser will generate final statistics of the times measured...");

Dantressangle did not provide extensive details concerning the testing of application components on the server. However, Logan did disclose more specific details regarding component testing in an integrated test environment network (Col. 2, lines 20-21). Specifically, (col. 2, lines 42-47) "The testing tools include facilities for: developing and executing suites of related test cases, developing and executing testing checklists, documenting and tracking software defects discovered in the course of testing, help files and other documentation defining the testing standards, methods and procedures and centralized reporting facilities." At col. 7, lines 2-7, Logan disclosed regression testing and at col. 8, lines 14-29, Logan disclosed "three major types of tests: background automated tests, interactive automated tests, and automatic checklist processing to support manual testing activities..." Logan disclosed (col. 7, lines 27-29), "When testing components, e.g., JAVABEANS, each executable class within the component must be tested."

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time of the invention, to have modified Dantressangle's method of testing a computerized application under test that includes simultaneous users over a computer network, by specifically including component testing, as disclosed by Logan, because creating test copies, executing, repeating and analyzing the load, stress and performance of components in an application on a server, ensures that the system response time and communication links are adequate and that each component of an application is behaving as expected.

Per claim 34:

This is a computer program product version of the limitations as addressed in claim 31.

Therefore, claim 34 is rejected under the same rational as claim 31.

9. **Claims 24 – 26 and 28- 30** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,446,120 to Dantressangle, in view of U.S. Patent 6,510,402 to Logan et al., and further in view of U.S. Patent 6,401,220 to Grey et al.

As applied to claim 23 above, Dantressangle disclosed a method, apparatus, and article of manufacture for stress testing a server. He disclosed creating test code, executing tests and analyzing data. Dantressangle did not expressly teach specifics regarding stress testing individual components of an application on the server. However, Logan disclosed testing (col. 2, lines 20-22) on individual components of an application under test. Neither Dantressangle, nor Logan disclosed a storage format of data, such as rows, columns, and storing in a comma separated values (.csv) format. However, Grey did provide more details on storage format in his invention to create and execute test sequences and produce a result collection.

Art Unit: 2122

Per claim 24, Grey disclosed:

-datatable includes a plurality of rows and a plurality of columns wherein said columns are used for parameters and said rows represent users. (Col. 47, lines 63-66, “The limit data is in table format where the row names are step names and the column headings are the names of step properties that begin with Limit.”).

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time of the invention, to modify the invention of a configurable stresser for a web server, as taught by Dantressangle, with Logan’s invention to include testing individual components of a software application and furthermore to modify the invention to include the more specific data arrangement in rows, columns, and .csv as taught by Grey, because load, stress and performance testing of a server, including the components of an application on the server ensures that the system response time and communication links are adequate and the components are behaving as expected. Additionally, further modification using the techniques for parsing, storing and retrieving, as disclosed by Grey, are well known in the art for arranging data (test results) in a logical manner.

Per claim 25, Grey disclosed:

-datatable is in a .CSV format. (Col. 46, lines 48-49, “Valid formats are tab-delimited text (.txt), comma-delimited text (.csv), and Excel file (.xls).”).

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time of the invention, to modify the invention of a configurable stresser for a web server, as taught by Dantressangle, with Logan’s invention to include testing individual components of a software application and furthermore to modify the invention to include the more specific data

Art Unit: 2122

arrangement using .csv (comma separated values) as taught by Grey, because load, stress and performance testing of a server, including the components of an application on the server ensures that the system response time and communication links are adequate and the components are behaving as expected. Furthermore, formatting data using commas to separate (.csv) values is a logical useful file standard for human visualization and for computer parsing.

Per claim 26, Grey disclosed:

-datatable contains fewer rows than the number of virtual users provided by said test engine, then said test code will cycle through said data table and then start over beginning with the first row of said datatable. (Col. 51, lines 27-31, "...the user configures pre-test operations and/or post-test operations in the process model. This involves creating steps and code modules to implement the desired functionality of the pre-test operations and/or post-test operations." Also, Col. 52, lines 10-12, "...the user configures variables, parameters, and/or types...").

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time of the invention, to modify the invention of a configurable stresser for a web server, as taught by Dantressangle, with Logan's invention to include testing individual components of a software application and furthermore to modify the invention to include the more specific data arrangement in rows and columns, as taught by Grey, because load, stress and performance testing of a server, including the components of an application on the server ensures that the system response time and communication links are adequate and the components are behaving as expected. Furthermore, a data table organized by rows and columns presents information in a logical manner.

Art Unit: 2122

Per claim 28, Grey disclosed:

Claim 28 contains limitations as recited in claim 24. Therefore, claim 28 is rejected under the same rational as claim 24.

Per claim 29, Grey disclosed:

Claim 29 contains limitations as recited in claim 26. Therefore, claim 29 is rejected under the same rational as claim 26.

Per claim 30, Grey disclosed:

Claim 30 contains limitations as recited in claim 25. Therefore, claim 30 is rejected under the same rational as claim 25.

10. **Claims 32 and 35** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,446,120 to Dantressangle, in view of U.S. Patent 6,510,402 to Logan et al., and further in view of U.S. Patent 6,237,135 to Timbol.

Dantressangle disclosed stressing a server by creating and executing a plurality of tests carried out by clients upon the server. Dantressangle did not expressly teach specifics regarding stress testing individual components of an application on the server. However, Logan disclosed testing (col. 2, lines 20-22) individual components of an application under test. Neither Dantressangle, nor Logan disclosed file compression. However, Timbol did provide more details on JAVA programs and their ability for compression. Compression and compression of JAVA files into JAR files is well known in the art.

Art Unit: 2122

Per claim 32, Timbol disclosed:

Class file is provided as a compressed file. (Col. 19, lines 24 – 27, “A Java Bean is a collection of one or more Java classes, often bundled into a single JAR (Java Archive) file, that serves as a self-contained, reusable component.”).

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time of the invention, to modify the invention of a configurable stresser for a server, as taught by Dantressangle, by more specifically testing the software components located on the server, as taught by Logan, and furthermore to modify the invention by including JAVA compression of classes (JAR format), as taught by Timbol, because JAVA is one of many suitable programming languages for middle tier server applications and the techniques are well known in the art for grouping class files together in a compressed format for the purpose of a smaller footprint and faster downloads.

Per claim 35, Timbol disclosed:

Claim 35 contains limitations as recited in claim 32. Therefore, claim 35 is rejected under the same rationale as claim 32.

Response to Arguments

11. Applicant's arguments with respect to claims 1-13, 15-18, 20-32, 34, and 35 have been considered but are moot in view of the new ground(s) of rejection.

Therefore, the rejection of claims 1-13, 15-18, 20-32, 34, and 35 is proper and maintained herein.

Conclusion

Art Unit: 2122

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Steelman, whose telephone number is (703) 305-4564. The examiner can normally be reached Monday through Thursday, from 7:00 A.M. to 5:30 P.M. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam can be reached on (703) 305-4552.

The fax phone numbers are (703) 746-7240 for regular communications and (703) 746-7239 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

MS

08/12/2003



TUAN Q. DAM
PRIMARY EXAMINER